



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 22, 1998

Ms. Diane Eagleton  
Supervisor, Records Division  
North Richland Hills Police Department  
P.O. Box 820609  
North Richland Hills, Texas 76182-0609

OR98-0212

Dear Ms. Eagleton:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 112067.

The North Richland Hills Police Department (the "department") received a request for a copy of the arrest report pertaining to the requestor's wife. You contend that the documents submitted to this office are excepted from disclosure pursuant to section 552.101 of the Government Code. We have considered the exception you claim and reviewed the documents submitted for our review.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses common-law privacy and excepts from disclosure private facts about an individual. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Therefore, information may be withheld from the public when (1) it is highly intimate and embarrassing such that its release would be highly objectionable to a person of ordinary sensibilities, and (2) there is no legitimate public interest in its disclosure. *Id.* at 685; Open Records Decision No. 611 (1992) at 1. Where an individual's criminal history information has been compiled by a governmental entity, the information takes on a character that implicates the individual's right to privacy. *See United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989).

After reviewing the information you seek to withhold, we conclude that there is a legitimate public interest in the highlighted information. Thus, you may not withhold the highlighted information based on common-law privacy which is encompassed by section 552.101. However, the requested information contains information deemed private pursuant to *Reporters Committee*. Accordingly, we have marked the information the department must withhold under section 552.101 of the Government Code. *See id.*; *see also* Gov't Code § 411.106(b). You must release the remainder of the submitted information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/rho

Ref.: ID# 112067

Enclosures: Marked documents

cc: Mr. Michael Luna  
2517 Railridge Circle S., Apt. #205  
Fort Worth, Texas 76133  
(w/o enclosures)